

REMARKS

Claims 28-55 remain pending in this application and are presented for reconsideration.

Claims 28-55 stand rejected under the judicially created doctrine of obviousness-type double patenting over claims of commonly owned U.S. Patent Nos. 6,583,015 and 6,846,715. Applicants respectfully note that this rejection is overcome by the two Terminal Disclaimers submitted herewith.

Claims 28-55 also stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Nos. 6,583,015 and 6,846,715 to Fitzgerald, Hammond, and Currie. Applicants respectfully traverse this rejection and request its reconsideration and withdrawal in view of the Request to Correct Inventive Entity Under 37 C.F.R. § 1.48(a) (the "Request") filed on November 22, 2005. Specifically, Applicants filed the Request to add Eugene A. Fitzgerald as an inventor of the claimed subject matter. Applicants submitted that the error in inventorship in the previously executed declaration under 37 C.F.R. § 1.63 occurred without any deceptive intent, and presume that the Request has been granted.

As recognized by the Examiner, a reference is applicable under 35 U.S.C. § 102(e) only if the inventive entity of the application is different from that of the reference. See MPEP 201.06(f). Correction of the inventive entity for this application renders identical the inventorship of this applications and that of the cited references. Accordingly, Applicants respectfully request U.S. Patent Nos. 6,583,015 and 6,846,715 be removed as prior art references and that the rejection based on this reference under 35 U.S.C. § 102(e) be withdrawn.


CONCLUSION

In light of the foregoing, Applicants respectfully submit that all claims are now in condition for allowance.

A check for \$440 is enclosed for the Terminal Disclaimer fees and for the IDS fee. Applicants believe that no other fees are necessitated by the present paper. However, in the event that any additional fees are due, the Commissioner is hereby authorized to charge any such fees to Deposit Account No. 07-1700.

If the Examiner believes that a telephone conversation with Applicants' attorney would expedite allowance of this application, the Examiner is cordially invited to call the undersigned agent at (617) 570-1198.

Respectfully submitted,



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